Attorney Docket No. 389014

REMARKS

The undersigned attorney interviewed this case with Examiner Lau today, July 9, 2004. The remarks below comment upon what was discussed in the interview. Accordingly, it is believed that the following remarks attend to all rejections presented in the pending June 28, 2004 office action.

Claim Rejections under 35 USC § 102(e)

Claims 1, 2, 3, 4, 6 stand rejected under 35 USC §102(e) as being unpatentable over U.S. Patent No. 6,516,284 ("Flentov"). Respectfully we disagree, since Flentov does not teach each and every limitation of these claims. 35 USC §102(e) requires that each ane every element must be taught by Flentov in order to anticipate the claims.

During the interview, it was discussed that Flentov is owned entirely by the assignee of this present application. Assignee is very very familiar with the disclosure of Flentov.

The Examiner argues that Flentov discloses a digital camera as unit 16. During the interview, we discussed that, in fact, item 16 is a "display" that is used to display data such as airtime; item 16 is not therefore a digital camera that captures video or image data, as in claim 1. Display 16 is for example an LCD display such as used in a digital watch.

It was further discussed in the interview that Flentov does not teach processing frames of data (the word "frame" or "frames" is completely absent from Flentov). In particular, we discussed that FIG. 11 of Flentov illustrates data that may be captured by unit 10 (and particularlly by loft sensor 20) of Flentov; this data is not equivalent to frames of data as disclosed within the current specification. As disclosed within the current specification, "frames of data" correspond to data from a plurality of pixels of a digital camera; such a digital camera is not disclosed by Flentov.

Finally, we today discussed that unit 10 of Flentov is shown mounted to a ski 26' in FIG. 2A, in the context that unit 10 does not capture a "picture" such as illustrated in FIG. 2A. Instead, FIG. 2A illustrates operation of unit 10 within an example setting; it does not illustrate capturing frames of data that may be used to determine "altitude" by comparing a "highest point of motion" within the frames of data. Unit 10 mounts to ski 26' and – by use of a loft sensor 20, for example - captures electronic data (not frames of data as from a digital camera) such as shown in FIG. 11.